

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALFONSO HERNANDEZ,

Plaintiff,

vs.

Civ. No. 12-394 KBM/ACT

**OFFICER DANIEL BACA, OFFICER JENNIFER
JARA, OFFICER LEAH KELLY AND OFFICER
JACOB WELCH, individually and in their official capacities
as police officers for the ALBUQUERQUE POLICE
DEPARTMENT,**

Defendants.

MOTION TO EXTEND DISCOVERY DEADLINE

COMES NOW, Plaintiff Alfonso Hernandez, through counsel, AEQUITAS LAW, LLC, Anna C. Martinez and respectfully requests that this Court extend the discovery deadline in this matter solely to permit Plaintiff to take the depositions of the named Defendants and select other witnesses in this matter. As grounds therefore, Plaintiff states as follows:

On February 21, 2013, the parties requested and the Court granted, an extension of the discovery deadlines in this case. The deadlines were continued for thirty (30) days. Pursuant to that extension, discovery was to be completed by 3/25/2013; discovery motions were due by 4/8/2013 and pretrial motions due by 5/15/2013.

Undersigned counsel and her partner, Albert L. Hutchinson, Jr. had previously worked with counsel for Defendants, Stephanie M. Griffin in agreeing to an extension of time in which to take several depositions. However, the previous extension proved to be too short to allow Plaintiff to take the depositions that he needs in order to prepare for trial. In particular, undersigned counsel underestimated the amount of time that would be necessary to prepare for

and try an unrelated matter, *Maples v. Vollmer, et al.*, No. CIV 12-cv-294 JB/RHS, which was tried on March 14, 2013. Counsel for Defendants was aware of undersigned counsel's work in that case as she represented Defendants therein.

In addition, based upon the cooperative nature of counsel's communications with Ms. Griffin, undersigned counsel understood that Ms. Griffin would make her clients and other police officer witnesses available for deposition without the need to serve formal Notices upon these individuals. Ms. Griffin did not share this understanding. The deadline to serve Defendants and their police colleagues with Notices of Deposition would have been no later than March 11, 2013. Undersigned counsel did not Notice the depositions that Plaintiff seeks to conduct based upon her misunderstanding that Defendants would waive formal Notice.

In order to streamline his request, Plaintiff seeks leave only to depose the named Defendants. In order to formally serve Notice upon the named Defendants, Plaintiff respectfully requests that the Court allow him an additional thirty (30) days to conduct depositions. No request for an extension of any other discovery is sought.

WHEREFORE, Plaintiff respectfully requests that the deadline to depose the named Defendants be extended for thirty (30) days from the entry of the Court's Order on this matter.

Respectfully Submitted:
AEQUITAS LAW, LLC

/s/

Anna C. Martinez
P.O. Box 25304
Albuquerque, NM 87125
(505) 750-8005
anna@aequitas.pro

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was delivered to opposing counsel via the Court's CM/ECF document filing and delivery service on March 25, 2013.

/s/

Anna C. Martinez